

REMARKS/ARGUMENTS

Upon entry of the present amendment, claims 1, 6-12, 17 and 19-21 will be pending. Claims 2-5, 13-16 and 18 have been canceled without prejudice or disclaimer. Applicants reserve the right to pursue the canceled claims in the present application or a continuation application. Claim 21 is a newly added dependent claim. Support for claim 21 is found in originally filed claim 11 and on page 11, in paragraphs [0070] and [0071]. No new matter has been introduced. Reconsideration of the rejected claims is respectfully requested.

I. Rejection of Claims 15 and 16 under 35 U.S.C. § 112, First Paragraph.

Claims 15 and 16 have been rejected under 35 U.S.C. § 112, First Paragraph as allegedly lacking enablement. Without acquiescing to the rejection and in the interest of furthering prosecution, Applicants have canceled claims 15 and 16. In view of the cancellation of claims 15 and 16, Applicants respectfully request that the enablement rejection be withdrawn.

II. Election/Restrictions

Claims 2-5 and 18 are drawn to a non-elected invention with traverse. The Examiner states that a complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action under 37 CFR § 1.144. In response, Applicants have canceled claims 2-5 and 18 without prejudice.

III. Double Patenting

Claims 1, 6-12, 15-17, 19 and 20 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 57-72 of copending Application No. 10/270,030. Applicants respectfully traverse the rejection.

Applicants note that copending Application No. 10/270,030 is now granted U.S. Patent No. 7,176,312 (the '312 patent) and claims 57-72 cited by the Examiner in the provisional obviousness-type double patenting rejection were *canceled* prior to issuance of the '312 patent.

In view of the cancellation of claims 57-72 in the '312 patent, Applicants respectfully request that this provisional obviousness-type double patenting rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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